IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 3482 of 2000

with

CROSS OBJECTION Stamp No 3 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE Y.B.BHATT
and
Hon'ble MR.JUSTICE M.C.PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

GUJ.STATE ROAD TRANSPORT CORP

Versus

KANTABEN SUBHACHANDRA SONI

Appearance:

FIRST APPEAL No 3482 of 2000

MR ASHISH M DAGLI for Appellant

MR YF MEHTA for Respondents No. 1, 2, 3 and 4

RULE SERVED for Respondent No. 5

CROSS OBJECTION STAMP No 3 of 2001

MR YF MEHTA for Petitioners

MR ASHISH M DAGLI for Respondent No. 1

CORAM : MR.JUSTICE Y.B.BHATT

and

MR.JUSTICE M.C.PATEL

Date of decision: 22/06/2001

ORAL JUDGEMENT

(Per : MR.JUSTICE Y.B.BHATT)

1. On a joint request of the learned counsel for the respective parties, this appeal is taken up for final hearing today. The Cross Objections filed by the present respondents are permitted to be withdrawn with no order as to costs.

2. We have heard the learned counsel for the appellant Gujarat State Road Transport Corporation who is the owner of the vehicle involved in the accident. We have also heard the learned counsel for the respondents - claimants.

3. This is an appeal under Section 173 of the Motor Vehicles Act, 1988 wherein the appellant challenges the judgment and award of the Motor Accident Claims Tribunal (Auxilliary) at Vadodara, passed under Section 168 of the said Act.

4. As a result of the hearing and discussion, a consensus has been arrived at between the learned counsel on the basis of which the learned counsel left the determination of compensation to the discretion of this court without the necessity of giving reasons for determining the said figure.

5. For the purpose of ascertaining the just and equitable amount of compensation, we have also heard the learned counsel for the respective parties in support of the respective figures suggested by them as constituting the just and equitable amount of compensation, and for this purpose we have also carefully perused the impugned judgment and order. We have also referred to such documentary material on record to which our attention has been drawn.

6. Bearing in mind all the relevant factors including the submissions of learned counsel as also the state of evidence on record, we find that the interests of justice would be met by holding that the original claimants shall be entitled to compensation of Rs.11,65,000/- (Rupees Eleven lakhs sixty five thousand only) under all the Heads. It is directed accordingly. Consequently, the First Appeal is partly allowed to the

aforesaid extent with no orders as to costs.

7. It is clarified that the impugned judgment and award is modified only to the extent indicated hereinabove. It is clarified that the claimants - applicants shall be entitled to proportionate costs and interest at the rate of 12% per annum, from the date of the claim petition till realisation or deposit, on the amount of compensation decided by the present judgment and order.

8. Decree accordingly.

9. The appellant herein shall deposit the amount due to the claimants as per the present judgment and decree as expeditiously as possible and preferably, within three months from today.

(Y.B. Bhatt, J.) (M.C. Patel, J.)

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